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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,881	10/05/2006	Kazuhiko Kimura	91197.000017	1720
23387	7590	12/08/2008		
Stephen B. Salai, Esq. Harter Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			EXAMINER VOLZ, ELIZABETH J	
			ART UNIT	PAPER NUMBER
			3781	
			MAIL DATE	DELIVERY MODE
			12/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/598,881

**Applicant(s)**

KIMURA ET AL.

**Examiner**

ELIZABETH VOLZ

**Art Unit**

3781

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 9/14/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

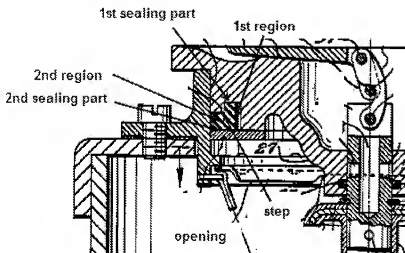
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Donovan (U.S. Patent No. 2,597,576).

3. Regarding Claim 1, Donovan discloses a fuel sealing structure comprising a container 14 (Figure 2) for storing fuel and having an opening part (Figure 2 below), a closure attached to the opening part of said container, and an annular packing 57 (Figure 2) interposed in a compressed condition between an annular sealing surface 58 (Figure 2) of said opening part of said container and an annular sealing surface of said closure 56 (Figure 2), wherein said sealing surfaces of said container and closure each include an annular first region (Figure 2 below) and an annular second region (Figure 2 below) disposed radially outside of said first region, and a distance between said second regions of said two sealing surfaces is shorter than that between said first regions, said packing includes a first sealing part (Figure 2 below) sandwiched between said first regions of said two sealing surfaces and a second sealing part (Figure 2 below) sandwiched between said second regions of said two sealing surfaces, and first and second sealing parts are, in their compressed condition, interposed between said sealing surfaces, said second sealing part is smaller in thickness than said first sealing

part in a natural condition, and this difference in thickness is larger than the difference between said distance between said first regions and said distance between said second regions (Figure 2).

**Figure 2 (Donovan)**

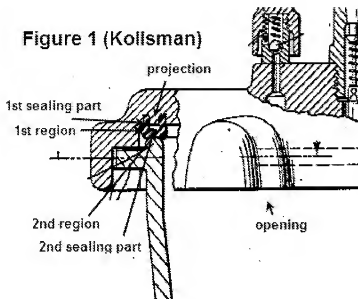


4. Regarding Claim 2, Donovan discloses a compression ratio of said second sealing part is smaller than that of said first sealing part when said closure is in an attached condition (Figure 2).
5. Regarding Claim 3, Donovan discloses a first sealing part (Figure 2 above) which is located radially inside of said second sealing part (Figure 2 above).
6. Regarding Claim 4, Donovan discloses one of said sealing surfaces of said container and closure is a plane with said first and second regions made flush with each other (Figure 2), and the other sealing surface includes a step (Figure 2 above) at a boundary between said first and second regions, one surface of said packing is a plane

corresponding to said one sealing surface, and the other surface includes a step corresponding to the other sealing surface (Figure 2).

7. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kollsman (U.S. Patent No. 2,593,770).

8. Regarding Claim 1, Kollsman discloses a fuel sealing structure comprising a container 11 (Figure 1) for storing fuel and having an opening part (Figure 1 below), a closure attached to the opening part of said container, and an annular packing 16 (Figure 1) interposed in a compressed condition between an annular sealing surface (Figure 1 below) of said opening part of said container and an annular sealing surface (Figure 1 below) of said closure, wherein said sealing surfaces of said container and closure each include an annular first region (Figure 1 below) and an annular second region (Figure 1 below) disposed radially outside of said first region, and a distance between said second regions of said two sealing surfaces is shorter than that between said first regions, said packing includes a first sealing part (Figure 1 below) sandwiched between said first regions of said two sealing surfaces and a second sealing part (Figure 1 below) sandwiched between said second regions of said two sealing surfaces, and first and second sealing parts are, in their compressed condition, interposed between said sealing surfaces, said second sealing part is smaller in thickness than said first sealing part in a natural condition (Figure 1), and this difference in thickness is larger than the difference between said distance between said first regions and said distance between said second regions.



9. Regarding Claim 5, Kollsman discloses an annular projection (Figure 1 above) which is formed on one of said sealing surfaces of said container and said sealing surface of said closure, a top surface of said projection is provided as said second region, a radial inside and a radial outside of said projection in said one sealing surface are provided as said first regions, the other sealing surface includes said second region and said first regions disposed radially inside and outside of said second region on a same plane in correspondence to one sealing surface, and said packing includes said thin second sealing part corresponding to said projection and said thick first sealing parts located radially inside and outside of said second sealing part (Figure 1).

10. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell (U.S. Patent No. 1,833,928).

11. Regarding Claim 6, Bell discloses a fuel sealing structure comprising a container 14 (Figure 1) for storing fuel and having an opening part (Figure 11 below), a closure attached to the opening part of said container, and an annular packing 20 (Figure 11)

interposed in a compressed condition between an annular sealing surface of said opening part of said container and an annular sealing surface of said closure, wherein an annular elastically deformable permeation restraining plate 21 (Figure 1) having a lower fuel permeability than the material (Column 3, Lines 20-22) of said packing is embedded in said packing, said permeation restraining plate extends radially of said packing, a distance between said permeation restraining plate and one surface of said packing is shorter than that between said permeation restraining plate and the other surface of said packing at a certain annular part but a distance between said permeation restraining plate and the other surface of said packing is shorter than that between said permeation restraining plate and said one surface of said packing at other annular part (Figure 11).

12. Regarding Claim 7, Bell discloses both surfaces of said packing are planes and have a uniform thickness (Figure 1), and said permeation restraining plate is inclined at a surface 23 (Figure 11) connecting said certain annular part and the other annular part together (Figure 11).

13. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue

requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit: 3781

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/E. V./  
Examiner, Art Unit 3781

/Anthony D Stashick/  
Anthony D Stashick  
Supervisory Patent Examiner, Art  
Unit 3781